

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ernest Peter Nelson

Serial No.:

Group No.:

Filed:

Examiner:

For: LEG USCER, LYMPHOEDEMA AND DVT VIBRATORY TREATMENT DEVICE

Mail Stop New Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO 1449 (now PTO/SB/08A and 08B)
3. Copies of Listed Information Items Accompanying This Statement
4. Concise Explanation of English Language Listed Information Items
5. Identification of Person(s) Making This Information Disclosure Statement

Section 1. Preliminary Statements

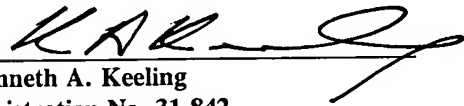
Applicant(s) submits herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this Information Disclosure Statement and the documents referred to as attached thereto are being deposited with the United States Postal Service on the date listed below, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number ER 216 164 055 US, addressed to the: U.S. Patent & Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Date

8/18/03


Kenneth A. Keeling
Registration No. 31,842

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. PTO 1449 (Now Forms PTO/SB/08A and 08B)

PTO Form 1449 is attached hereto.

Section 3. Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in Form PTO-1449 accompany this information statement.

Section 4. Concise Explanation of English Language Listed Information Items

1. U.S. Pat. No. 5,606,754, issued to Hand et al., on March 4, 1997

Discloses a bed which has vibration means to reduce the incidence of bed sores.

2. U.S. Pat. No. 5,948,009, issued to Tu, on September 7, 1999

Discloses an ablation electrode for treating canker sore in which vibratory massage is applied to create a lesion. This is said to create the conditions for subsequent healing.

3. U.K. App. No. GB 2,096,899, filed on March 16, 1981, published on October 27, 1982

Discloses a conventional analogue control of a universal AC motor for a vibration device.

4. "The Use of Cycloidal Vibrations Therapy on Blood and Lymph Circulation and on Wound Healing," presented at the VII International Congress of Lymphology, Firenze, Italy on October 28 to November 2, 1979 by Lievens, Leduc and Dewald

Suggests that some aspects of wound healing in test mice were improved by a regime of cycloidal vibrations.

5. "The Effect of cycloid Vibration on Leg Blood Flow and Ulcer Pain," presented to the Section of Dermatology of the Royal Society of Medicine in 1978 by Pickup, Alexander, and Gosling

Discloses that while vibration was recognized to dramatically reduce pain from leg ulcers, only a slight improvement in healing was noticed.

6. U.S. Pat. No. 6,086,550, issued to Richardson, on July 11, 2000

Discloses an apparatus for imparting a rocking motion to the legs and torso of a user including a base, a leg rest removably mounted on the base to support the legs of the user, and a drive system positioned within the base for driving an upper portion of the base to impart a rocking motion to the user.

7. U.S. Pat. No. 3,019,785, issued to Eiden on February 6, 1962

Discloses a therapeutic massage unit which presents a relatively flat cushion section and a roll section, which together provide a pad, cushion, mattress or mattress pad designed to transmit deep and penetrating massage action to a part or the entire human body reclining there-against.

8. U.S. Pat. No. 2,917,043, issued to Murphy, on December 15, 1959

Discloses a motor operated kinesitherapy device having generally the form of a pad, cushion, mattress or mattress pad equipped with one or more motorized applicators and an internal structure for transmitting gyratory motion generated by the applicator or applicators throughout substantially the entire area of the pad, cushion, mattress or mattress pad so as to impart said motion to a human body resting upon or against the cushion, pad, mattress or mattress pad.

9. EP Pat. No. 0,373,912, issued to Arena Systems Limited Trading, on June 20, 1990

Discloses a bed having a series of panels which can be adjusted between a co-planar flat position and one in which the panels are inclined to one another, with motor means for raising and lowering the panels, further motor means for vibrating the panels to provide a massage effect, and infra red control apparatus for said motors.

10. U.S. Pat. No. 5,329,934, issued to Bowman, on July 19, 1994

Discloses a medical restraint device having a generally planar support member sized to receive and support a patient in a lying position. A pair of support straps are fixed to the support member and extend along respective side edge portions and are laterally spaced apart a distance sufficient to receive the patient therebetween with the support straps being parallel to and adjacent the sides of the patient.

11. U.S. Pat. No. 3,853,121, issued to Mizrachy et al., on December 10, 1974

Discloses a method for reducing the risk of incurring venous thrombosis in operative and post-operative patients. Vibration and/or massage is imparted to the legs of a patient during and after surgery. The vibration and/or massage aids muscular activity in the legs, which in turn stimulates the blood vessels reducing the probability of formation of a blood clot therein.

12. U.S. Pat. No. 6,178,577, issued to Cheng, on January 30, 2001

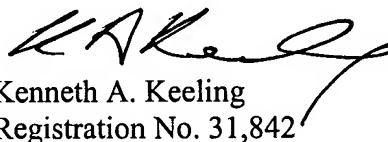
Discloses a mattress having multiple massage units provided on a top surface thereof. Each of the massage units is formed at a lower side with an open-ended space through which two long locating strips are extended. The long locating strips are sewed up onto the top surface of the mattress at points that are in front of and behind each massage unit by a predetermined distance, so that the massage units are attached to the mattress by the long locating strips while being movable between two sewed up points of the long strips before and after them.

Section 5. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is:

- (a) ☐ the inventor(s) who signs below.
- (b) ☐ an individual associated with the filing and prosecution of this application.
- (c) ☒ the practitioner who signs below on the basis of the information:
 - ☐ supplied by the inventor(s).
 - ☐ supplied by an individual associated with the filing and prosecution of this application (37 CFR 1.56(c))
 - ☒ in the practitioner's file.

Respectfully submitted,



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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	2
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Complete if Known

Application Number

Filing Date

First Named Inventor

Ernest Peter Nelson

Art Unit

Examiner Name

Attorney Docket Number

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ²
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)				
		GB 2,096,899	10-27-1982	Niagra Mfg Ltd		
		EP 0,373,912	06-20-1990	Arena Sys Ltd		

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	
		Filing Date	
		First Named Inventor	Ernest Peter Nelson
		Art Unit	
		Examiner Name	
Sheet 2	of 2	Attorney Docket Number	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		LIEVENS, LEDUC, DEWALD, "The Use of Cycloidal Vibrations Therapy on Blood and Lymph Circulation and on Wound Healing," VII International Congress of Lymphology, 10/28/1979 to 11/2/1979, Firenze, Italy.	
		PICKUP, ALEXANDER, GOSLING, "The effect of cycloid vibration on leg blood flow and ulcer pain," Section of Dermatology of the Royal Society of Medicine, 1978.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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